

Renting a holiday home

Consumer facts for travellers

By renting private houses and units, holiday-makers can enjoy the comforts of home while staying at their favourite holiday destination. But short-term renters in NSW don't have the same rights or responsibilities as regular, long term tenants. So it's a good idea to find out precisely what your rights are before renting a holiday house or unit.

Online booking services

Online booking services operate websites (such as Airbnb, Stayz and Wotif) allowing home owners to advertise and rent out their homes, or rooms in their homes, for holiday accommodation.

Your holiday experience renting such private accommodation through an online booking service may be very unlike traditional hotel accommodation. In many cases, it involves you entering a private contract with the home owner. The online booking service may not be a party to the contract, and not obliged to assist either you or the home owner if there is a dispute.

Some tips for renters using an online booking service are:

- **Check the agreement's terms and conditions**, especially the refund and cancellation policies. Ask about anything that you are unsure of when you make a booking. A short conversation may prevent unpleasant 'surprises' later on!
- **Check if you have to pay a form of 'bond'** for damages and how it will be released when you check-out.
- **Clarify what you are renting** and be aware that you could be in someone's home (or bedroom). If you have booked a room, you may want to confirm that the landlord has the permission of rest of the household.
- **Understand what the booking includes.** Landlords may have policies about whether they supply linen, internet, cleaning or certain household items (like cutlery or toilet paper).

- **Ask about any special conditions or 'house-rules'** that the landlord has (eg. noise, pets and shower times). These may be based on Council restrictions.
- **Consider how amenities may differ** in shared accommodation. Compared with staying in a hotel, it may have a different standard of amenities and level of privacy.

Home owners and agents can find out more on online booking services, including tips for landlords, on our Holiday and short stay rentals page.

Who should I rent from?

Individuals are quite at liberty to rent out their holiday properties. However, if they use an agent or broker to carry out this task then those people must be licensed with NSW Fair Trading as a real estate agent. Dealing with an unlicensed agent or broker exposes you to unnecessary risks. Find out if the person you are dealing with is licensed by doing a licence check on the Fair Trading website or by calling 13 32 20.

Whether renting directly from the property owner or through a licensed agent, make certain you sign a written agreement that clearly sets out the rights and responsibilities of both parties.

IMPORTANT: Make sure that an agent is licensed by calling 13 32 20 or do a licence check online by visiting www.fairtrading.nsw.gov.au

What services are provided?

Before signing a written agreement, talk to the owner or agent about anything you are unsure of. For example:

- does the owner have the right to enter the property while you are living there? If so, in what circumstances?
- is the accommodation rated according to an accommodation classifications system (a star rating) and how does it work?

- is the accommodation serviced and if so, how often?
- is there anything in the property which you cannot use (eg. garage, cupboards) or are any of the facilities (eg. bathrooms) shared?
- is the accommodation fully furnished, including cutlery, bedding and towels?
- how close are the premises to points of interest and transport?
- how will disputes be settled? Does any formal dispute resolution system exist?
- who do you call in the event of an emergency?

IMPORTANT: Make certain any agreement or contract is in writing and you get a copy. By law, a real estate agent must deposit any money paid by you - including deposits - into their trust account. Make sure the agreement sets out when this money can be paid from the agent's trust account to the owner or to the agent. Some agreements may require deposits to be paid to the owner before you take up the accommodation.

Before making a booking

Frequently, people who are going on holidays make telephone bookings for accommodation at locations they have never visited before. When this happens, it's important to keep the following points in mind.

- When speaking to a person, ask for their name and who they represent.
- Take notes of all important points of your conversation, including dates, times and names.
- Make sure you understand all the terms and conditions. If you don't understand something, don't be afraid to ask questions.
- Ensure you receive written confirmation of everything you request. That way you can be certain you will get what you are paying for.
- Read all correspondence carefully.
- Check that the business you are dealing with is licensed. Contact NSW Fair Trading for this information on 13 32 20 or do a licence check online by visiting www.fairtrading.nsw.gov.au

- Where possible, it is a good idea to deal with people you know or who have been recommended to you.
- Don't be hesitant about reporting fraud or other misconduct to the appropriate authorities. Ask questions. It's your money.

Receipts

A real estate agent is required to give you a trust account receipt for any money you have paid. If a dispute arises, you will need this receipt as proof of payment for the services you have paid for. Receipt details should include the date of payment, amount paid, period covered by the payment, what the payment was for, the owner's or agent's name, contact details and a licence number if the receipt was issued by an agent.

Property inspections

Together with the owner or agent, you should conduct an inspection of the property before moving in. During the inspection you should note any existing damage, what is contained in the property and any missing or faulty appliances. It's important that your comments are noted in writing and that you, and the owner or agent, keep a copy of the report. This will help you avoid disputes when you move out.

Remember, you will be responsible for damage to the property or its equipment, fixtures or fittings if it was caused through your negligence. You are not responsible for any damage to items that is regarded as 'fair wear and tear'.

Security deposits

You will probably be asked to provide a security deposit (or bond). It's important to get a receipt for the security deposit, as well as written information on where it will be held, who it will be paid to, how to claim it back and the responsibilities of you and the owner or agent.

Security deposits for short term holiday accommodation not covered by the *Residential Tenancies Act 2010* do not have to be paid to NSW Fair Trading.

Dispute resolution

If you have a dispute with an accommodation provider, try to contact the owner or manager. If you cannot settle the problem by mutual agreement, contact NSW Fair Trading on 13 32 20, or lodge your enquiry or complaint through the Fair Trading website.

www.fairtrading.nsw.gov.au
Fair Trading enquiries 13 32 20
TTY 1300 723 404
Language assistance 13 14 50

This fact sheet must not be relied on as legal advice. For more information about this topic, refer to the appropriate legislation.

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